

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IRVING CERVANTES-RODRIGUEZ,

Defendant.

8:20-CR-167

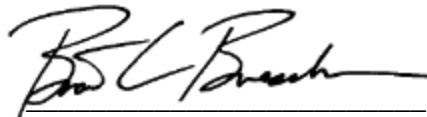
**ORDER GRANTING MOTION TO
WITHDRAW**

This matter is before the Court on a Motion to Withdraw filed by First Assistant Federal Public Defender, Mr. Jeffrey L. Thomas. [Filing 63](#). The Office of the Federal Public Defender was appointed to represent Irving Cervantes-Rodriguez in this case pursuant to General Order No. 2023-09 in order to determine whether he qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 62](#). Neither Cervantes-Rodriguez nor his attorney have filed any motions for relief based upon the aforementioned guideline amendments. Mr. Thomas advises the Court that after reviewing the relevant documents in this case, he has determined that Cervantes-Rodriguez is not entitled to any sentencing relief because Cervantes-Rodriguez “received a mandatory minimum sentence and Amendment 821 does not allow for a sentence below the mandatory minimum.” [Filing 63 at 1](#). The Court agrees. Accordingly,

IT IS ORDERED: Mr. Jeffrey L. Thomas’s Motion to Withdraw, [Filing 63](#), is granted.

Dated this 29th day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge